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Local Counsel for JAMS, Inc. and Stephen Haberland

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

MARC JOHN RANDAZZA,

Debtor.

Case No. BK-S-15-14956-ABL

Chapter 11

**NOTICE OF ENTRY OF ORDER
REGARDING ORDER TO SHOW CAUSE
WHY STEPHEN HABERFELD AND JAMS,
INC. SHOULD NOT BE COMPELLED TO
COMPLY WITH THE ORDER
APPROVING SETTLEMENT
AGREEMENT AND/OR HELD IN
CONTEMPT AND SANCTIONED FOR
WILLFUL VIOLATIONS OF THE
AUTOMATIC STAY**

NOTICE IS HEREBY GIVEN that an *Order Regarding Order To Show Cause Why
Stephen Haberland And JAMS, Inc. Should Not Be Compelled To Comply With The Order
Approving Settlement Agreement And/Or Held In Contempt And Sanctioned For Willful Violations*
///

1 *Of The Automatic Stay* [Dkt. #261] was entered on August 2, 2018, a copy of which is attached
2 hereto.

3 Dated this 3rd day of August, 2018.
4

5 /s/ Jeanette E. McPherson

6 Jeanette E. McPherson, Esq.

7 Schwartz & McPherson Law Firm

8 2850 South Jones Boulevard, Suite 1

9 Las Vegas, NV 89146

10 *Local Counsel for JAMS, Inc. and Stephen Haberfeld*
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SCHWARTZER & MCPHERSON LAW FIRM

2850 South Jones Boulevard, Suite 1

Las Vegas, Nevada 89146-5308

Tel: (702) 228-7590 · Fax: (702) 892-0122

CERTIFICATE OF SERVICE

1. I caused to be served the following document(s):

- a. Notice Of Entry Of Order Regarding Order To Show Cause Why Stephen Haberfeld And JAMS, Inc. Should Not Be Compelled To Comply With The Order Approving Settlement Agreement And/Or Held In Contempt And Sanctioned For Willful Violations Of The Automatic Stay.

2. I served the above-named document(s) by the following means to the persons as listed below:

■ a. **By ECF System (on 8/6/2018):**

JENNIFER WILLIS ARLEDGE on behalf of Creditor BANK OF AMERICA NA

jennifer.arledge@wilsonelser.com, EfileLasVegas@wilsonelser.com

OGONNA M. BROWN on behalf of Creditor CLAY DOUGLASS

OBrown@lrrc.com

ARTHUR CARVALHO, JR. on behalf of Creditor EXCELSIOR MEDIA CORP.

acarvalho@lhcllp.com

ARTHUR CARVALHO, JR. on behalf of Creditor LIBERTY MEDIA HOLDINGS, LLC

acarvalho@lhcllp.com

JAMES D. GREENE on behalf of Counter-Defendant EXCELSIOR MEDIA CORP.

jgreene@greeneinfusolaw.com,

fritchie@greeneinfusolaw.com;kfarney@greeneinfusolaw.com:cwalton@greeneinfusolaw.com

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JAMES D. GREENE on behalf of Creditor LIBERTY MEDIA HOLDINGS, LLC

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JAMES D. GREENE on behalf of Plaintiff EXCELSIOR MEDIA CORP.

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JAMES D. GREENE on behalf of Plaintiff LIBERTY MEDIA HOLDINGS, LLC

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VAUGHN MICHAEL GREENWALT on behalf of Creditor EXCELSIOR MEDIA CORP.

Vaughn.greenwalt@viacom.com

VAUGHN MICHAEL GREENWALT on behalf of Creditor LIBERTY MEDIA HOLDINGS,
LLC

Vaughn.greenwalt@viacom.com

VAUGHN MICHAEL GREENWALT on behalf of Plaintiff EXCELSIOR MEDIA CORP.

Vaughn.greenwalt@viacom.com

VAUGHN MICHAEL GREENWALT on behalf of Plaintiff LIBERTY MEDIA HOLDINGS,
LLC

Vaughn.greenwalt@viacom.com

ZACHARIAH LARSON on behalf of Debtor MARC JOHN RANDAZZA

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ZACHARIAH LARSON on behalf of Plaintiff MARC J RANDAZZA

mary@lzklegal.com,

mzirzow@lzklegal.com;carey@lzklegal.com;trish@lzklegal.com;recept@lzklegal.com

JEANETTE E. MCPHERSON on behalf of Interested Party JAMS, INC

bkfilings@s-mlaw.com

JEANETTE E. MCPHERSON on behalf of Interested Party STEPHEN E HABERFELD

bkfilings@s-mlaw.com

VERNON A NELSON, JR on behalf of Creditor BANK OF AMERICA NA

vnelson@nelsonlawfirm.lv.com, Mail@nelsonlawfirm.lv.com

U.S. TRUSTEE - LV - 11

1 USTPRegion17.lv.ecf@usdoj.gov

2 TIMOTHY R. WHEELER on behalf of Creditor BANK OF AMERICA NA

3 timothy.wheeler@wilsonelser.com, daniel.flores@wilsonelser.com

4 MATTHEW C. ZIRZOW on behalf of Counter-Claimant MARC JOHN RANDAZZA

5 mzirzow@lzklegal.com,

6 carey@lzklegal.com;mary@lzklegal.com;trish@lzklegal.com;recept@lzklegal.com

7 MATTHEW C. ZIRZOW on behalf of Debtor MARC JOHN RANDAZZA

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9 carey@lzklegal.com;mary@lzklegal.com;trish@lzklegal.com;recept@lzklegal.com

10 MATTHEW C. ZIRZOW on behalf of Defendant MARC JOHN RANDAZZA

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13 MATTHEW C. ZIRZOW on behalf of Plaintiff MARC J RANDAZZA

14 mzirzow@lzklegal.com,

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16 MATTHEW C. ZIRZOW on behalf of Plaintiff MARC JOHN RANDAZZA

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18 carey@lzklegal.com;mary@lzklegal.com;trish@lzklegal.com;recept@lzklegal.com

19 ☐ b. By United States mail, postage fully prepaid:

20 ☐ c. By Personal Service

21 ☐ I personally delivered the document(s) to the persons at these addresses:

22 ☐ For a party represented by an attorney, delivery was made by handing the document(s)
23 to the attorney or by leaving the document(s) at the attorney's office with a clerk or other person in
24 charge, or if no one is in charge by leaving the document(s) in a conspicuous place in the office.

25 ☐ For a party, delivery was made by handing the document(s) to the party or by leaving
26 the document(s) at the person's dwelling house or usual place of abode with someone of suitable age
27 and discretion residing there.
28

☐ d. **By direct email (as opposed to through the ECF System)**

Based upon the written agreement to accept service by email or a court order, I caused the document(s) to be sent to the persons at the email addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐ e. **By fax transmission**

Based upon the written agreement of the parties to accept service by fax transmission or a court order, I faxed the document(s) to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission is attached.

☐ f. **By messenger**

I served the document(s) by placing them in an envelope or package addressed to the persons at the addresses listed below and providing them to a messenger for service.

I declare under penalty of perjury that the foregoing is true and correct.

Signed on: August 6, 2018

Taylor N. Jorgensen
(Name of Declarant)

/s/ Taylor N. Jorgensen
(Signature of Declarant)



Honorable August B. Landis
United States Bankruptcy Judge



Entered on Docket
August 02, 2018

<p>Jessica R. MacGregor, Esq., Ca Bar No. 168777 (<i>Pro Hac Vice</i>) Long & Levit LLP 465 California Street, 5th Floor San Francisco, CA 94104 Telephone: 415-397-2222 Facsimile: 415-397-6392 Email: jmacgregor@longlevit.com</p>	<p>Lawrence A. Jacobson, Esq., Ca Bar No. 057393 (<i>Pro Hac Vice</i>) Cohen and Jacobson, LLP 66 Bovet Road, Suite 285 San Mateo, CA 94402 Telephone: 650-261-6280 Facsimile: 650-368-6221 Email: laj@cohenandjacobson.com</p>
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Attorneys for JAMS, Inc. and Stephen Habersfeld

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**ORDER REGARDING ORDER TO SHOW
CAUSE WHY STEPHEN HABERFELD AND
JAMS, INC. SHOULD NOT BE COMPELLED
TO COMPLY WITH THE ORDER
APPROVING SETTLEMENT AGREEMENT
AND/OR HELD IN CONTEMPT AND
SANCTIONED FOR WILLFUL VIOLATIONS
OF THE AUTOMATIC STAY**

Hearing Date: July 31, 2018

Hearing Time: 1:30 p.m.

SCHWARTZ & MCPHERSON LAW FIRM
 2850 South Jones Boulevard, Suite 1
 Las Vegas, Nevada 89146-5308
 Tel: (702) 228-7590 • Fax: (702) 892-0122

1 The Order To Show Cause Why Stephen Haberfeld And Jams, Inc. Should Not Be
 2 Compelled To Comply With The Order Approving Settlement Agreement And/Or Held In
 3 Contempt And Sanctioned For Willful Violations Of The Automatic Stay ("OSC") having come
 4 before this Court on July 31, 2018; Marc John Randazza (the "Debtor") appearing by and through
 5 his counsel, Matthew Zirzow, Esq. of Larson Zirzow & Kaplan, LLC, JAMS, Inc. ("JAMS") and
 6 Hon. Stephen E. Haberfeld (Ret.) ("Judge Haberfeld") (JAMS and Haberfeld collectively referred
 7 to herein as the "JAMS Parties") appearing by and through their counsel Jessica MacGregor, Esq.
 8 of Long & Levit, Lawrence Jacobson, Esq. of Cohen and Jacobson, LLP, and Jeanette E.
 9 McPherson, Esq. of Schwartzer & McPherson Law Firm; the Court having reviewed the pleadings
 10 on file and having heard the argument and proposals of the Debtor and the JAMS Parties; and in
 11 full resolution of the OSC and for good cause shown, it is hereby

12 ORDERED that to effectuate the Court's order approving the settlement between the
 13 Debtor and the Excelsior Parties, the Court further orders that the Interim Arbitration Award
 14 issued in the Arbitration is hereby deemed vacated and dismissed; and

15 ORDERED that the automatic stay be and is hereby modified to authorize and allow
 16 JAMS and Stephen Haberfeld to terminate the arbitration proceeding and close its file with no
 17 other action to be taken; and

18 ORDERED that the parties to the OSC, the Debtor and the JAMS Parties, shall bear their
 19 own attorneys' fees and costs; and

20 ORDERED that nothing in this order shall be deemed a finding of contempt; and

21 ORDERED that the court reserves jurisdiction over the interpretation and enforcement of
 22 this order; and

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ORDERED that upon entry of this Order, the hearing scheduled for September 4, 2018 at 9:30 a.m. regarding the OSC shall be vacated.

Submitted by:

/s/ Jessica R. MacGregor
Jessica R. MacGregor, Esq.
Long & Levit LLP

-and-

Lawrence A. Jacobson, Esq.
Cohen and Jacobson, LLP

Attorneys for JAMS, Inc. and Stephen Haberfeld

-and-

Jeanette E. McPherson, Esq.
Schwartz & McPherson Law Firm

Local Counsel for JAMS, Inc. and Stephen Haberfeld

Approved/Disapproved:

/s/ Matthew Zirzow
Matthew Zirzow, Esq.
Larson Zirzow & Kaplan, LLC

Attorneys for Debtor

LR 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

☐ The court waived the requirement of approval under LR 9021(b)(1).

☐ No party appeared at the hearing or filed an objection to the motion.

☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated above.

☐ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objection to the form or content of the order.

/s/ Jeanette E. McPherson
Jeanette E. McPherson, Esq.
Schwartz & McPherson Law Firm

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